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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,525	08/05/2003	Kuo-Chien Wu	WUKU3006/EM	5402
23364	7590	03/04/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			GOUDREAU, GEORGE A	
			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,525	WU, KUO-CHIEN	
	<b>Examiner</b>	<b>Art Unit</b>	_____

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*George A Goudreau*  
 GEORGE GOUDREAU  
 PRIMARY EXAMINER  
 3-051

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

1. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-The usage of the term “unnecessary portions” in claims 1-2 is vague, and indefinite. (i.e.-What constitutes being an unnecessary portions?); and

-The body of claim 1 is not commensurate in scope with the preamble of the claim 1. (i.e.-There is no steps recited in the body of claim 1 for fabricating a DRAM structure as is claimed in the preamble of claim 1.)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lien (6,124,165).

Lien discloses a process for fabricating DRAM equipped with a fuse, which is comprised of the following steps:

-An insulating layer (12) is formed onto the surface of a substrate (10).;  
-Fuses (14) are formed onto the surface of the insulating layer (12).;

-A stack of insulating layers (16, 22) is formed onto the surface of the fuses (14), and onto the surface of the insulating layer (12);

-A fuse window trench (2) is formed in the stack of insulating layers (16, 22) to expose the surface of the fuse (14); and

-A metal layer (24') is conformably formed onto the surface of the substrate. The metal layer is selectively removed from the top surface of the stack of insulating layers (16, 22).

This is shown in figure 1 specifically; and shown in general in figures 1-7. This is discussed specifically in columns 1-4; and discussed in general in columns 1-12.

4. Claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (6,589,712).

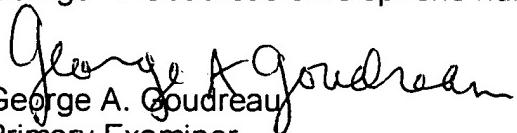
Hsu discloses a device, which is formed by a process different than that which is claimed by the applicant but meets all of applicant's claimed limitations as recited in applicant's device claims. The device is comprised of a polysi fuse (37), which lies inside a fuse window (35) formed inside an insulating layer (33) on top of the surface of a Si substrate. A stack of layers (39, 49, 53) lays on the insulating layer (33) adjacent the fuse window (35). Layer 39 is comprised of SiO<sub>2</sub>. Layer 49 is comprised of SiO<sub>2</sub> or Si<sub>3</sub>N<sub>4</sub>. Layer 53 is comprised of polyimide. There are sidewall spacers (55), which are made out of SiO<sub>2</sub> or Si<sub>3</sub>N<sub>4</sub> on the sidewalls of the fuse (37). This is discussed specifically in columns 2-3; and discussed in general in columns 1-6. This is shown specifically in figure 2 C; and shown in general in figures 1-3.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication should be directed to examiner

George A. Goudreau at telephone number (571)-272-1434.

  
George A. Goudreau  
Primary Examiner  
Art Unit 1763